IN RE: PETITION FOR ZONING VARIANCE W/S Southwick Drive, 194' S of Southwick Court (928 Southwick Drive) 9th Election District 4th Councilmanic District

Roland Kahla, et ux

Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-450-A

MEMORANDUM AND ORDER

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The Petitioners herein request variances to permit a side yard setback of 8 feet in lieu of the required 10 feet, and a sum of the side yard setbacks of 22.9 feet in lieu of the required 25 feet for a proposed addition for use by the Petitioners' father-in-law, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Roland Kahla, appeared and testified. There were no

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Withday of May, 1988 that the Petition for Zoning Variance to permit a side yard setback of 8 feet in lieu of the required 10 feet, and a sum of the

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Date: 426 88

Dennis F. Rasmussen

Mr. & Mrs. Roland Kahla 928 Southwick Drive Towson, Maryland 21204

Re: Petition for Zoning Variance Case number: 88-450-A W/S Southwick Drive, 184 S of Southwick Court (928 Southwick Drive) Sth Election District - 4th Councilmanic District Petitioner(s): Roland Kahla, et ux HEARING SCHEDULED: FRIDAY, MAY 6, 1988 at 9:00 m.m.

Dear Mr. & Mrs. Kahlas

Please be advised that 70.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office
Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND 1 and post set(s), there DEFICE OF FINANCE - REVENUE DIVISION for each set not MISCELLANEOUS CASH RECEIPT ACCOUNT K-01-615-000 \$ \$ 665******76 & 6-450 +

VALIDATION OR SIGNATURE OF CASHIER

side yard setbacks of 22.9 feet in lieu of the required 25 feet for a proposed addition for use by the Petitioners' father-in-law, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Within thirty (30) days of the date of this Order, the Petitioners shall add a covenant to their Deed, recorded among the Land Records of Baltimore County, referencing this case and restricting the use of their proposed addition to the relative described herein and no other. Said covenant shall contain the proviso that such use shall terminate either at the death of said relative or upon the sale of the property, whichever occurs first. No subsequent purchaser shall maintain the second kitchen for any reason or purpose without a subsequent public hearing, which shall be subject to the terms and conditions contained herein. A copy of the covenant shall be submitted to the Zoning Commissioner evidencing compliance with this restriction before a building permit shall be issued.

3) The second kitchen shall be removed upon the death of the relative described herein, if the relative should reside elsewhere, or if the subject property is sold. Should any of the aforementioned events occur, the common wall between the addition and the original home shall be removed and the property returned to a single-family dwelling.

4) The Petitioners shall not allow or cause the addition to be converted to a second dwelling unit.

A-0611-88

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 97/2	Date of Posting 4//18/87
Posted for: Vorionico	
Petitioner: Rolond Kohl	4.0. 10 Y
Location of property: W/S Southful	if Pr. 1941 s/south unde ct.
728 Sould wick	Orida
Location of Signar Lessing South	ut dry opprox, 15' Fr. nodway
on fro party of Patition	.1
Posted by Makely	
Signature	Date of return: 4/12/80

CERTIFICATE OF PUBLICATION

TOWSON, MD., Ophil 14, 19.48 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on april 14, 19. 88

Gusan Sender Obrect

THE JEFFERSONIAN,

\$ 33.75

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3B (208.3) to permit a side yard setback of 8 feet in lieu of the required 10 feet and a sum of the side

300

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. The addition is required for living quarters for a handicapped In-Law.

yard setbacks of 22.9 feet in lieu of the required 25 feet.

- 2. To avoid blocking the Kitchen Window and Exhaust Fan. yet have enough entry space for a wheel Chair from the outside as well, as into the existing dwellig.
- 3. To preserve as much useful central outdoor living space as possible. Property is to be posted and advertised as prescribed by Zoning Regulations.

I above Variance advertising, posting, etc., upon filing of this i to be bound by the soming regulations and restrictions of the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Roland KAHLA (Type or Print Name) MP 15/11B Goland Kühla Margaret KAHLA (Type or Print Name) mangaret Kahlar 928 Southwick Drive 296-8829 P Phone No. N - 41,235 Towson, Md. 21234 E-8,760 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED By The Zoning Commissioner of Baltimore County, this day County, on the 6 Th day of many, 19 58, at 9 o'clock

Attorney's Telephone No.:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Merch 18, 1988

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 88-450-A 4/S Southwick Drive, 194' 5 of Southwick Court (928 Southwick Drive) 9th Election District - 4th Councilmanic District Petitioner(s): Roland Kanla, et ux HEARING SCHEDULED: FRIDAY, MAY 6, 1989 at 9:03 a.m.

Variance to permit a side yard setback of 3 feet in lieu of the required 10 feet and a sum of the side yard setbacks of 22.9 feet in lieu of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Kahle

File:

Petition for zoning variance.
928 Southwick Drive Towson, Nd. 21204.

ZONING DESCRIPTION

Beginning at a point on the west side of Southwick Drive. Said point being 194 feet as measured along the west side of Southwick Drive from the northwest corner of Southwick Drive and Southwick Court. Being Lot 14, Plock P in the subdivision of Campus Hills, Section South-III-E, Plat Book GLB No. 22 Folio 83. Also known as 928 Southwick Drive in the 9th Election District.

Office of **PATUXENT** 0750 Little Patusent Plany NOTICE OF HEARING . 19 გგ April 20 THE ZONG CONTROLLED OF RESIDENCE OF RESIDENC 196' S of Bouldwood Court (ISS Bouldwood Orlea) 196 Standard States THIS IS TO CERTIFY, that the annexed advertisement of Oh Countinged District Publisher(a): Resend Eghts, of an HEAMING SCHEDULED: PRIDAY, MAY 8, 1986 NOTICE OF HEARING PRICAY 6.1988
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Number of Signat

The Zoning Commissioner of Battimore County, by archority of the Zoning Act and Regulations of Baltimore County will hold a public more County will hold a public.

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9th Election District —

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4th Councilmanic District
Petitioner(s): Roland Kahla, et us
Hearing Date: Friday, May 6,
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thus office by the date of the hearin set above or presented at the heasy

GOUCHER COLLEGE SUBJECT PROPERTY _ PROPOSED EXISTING SOUTHWICK DRIVE (50' R/W 30' PAVING) LOT SIZE: 9960 sqft. PLAT FOR ZONING VARIANCE. OWNER - ROLAND & MARGARET KAHLA · 23 acres DISTRICT NO. 9, ZONED D.R. 3.5 SUBDIVISION - CAMPUS HILLS SEC. SOUTH-III-B SCALE: 1"- 50" LOT NO. 14, BLOCK P - BOOK GLB. NO. 22, FCLIO \$3. # 300

May 24, 1988

Mr. & Mrs. Roland Kahla 928 Southwick Drive Towson, Maryland 21204

RE: Petition for Zoning Variance W/S Southwick Drive, 194' S of Southwick Court 9th Election District, 4th Councilmanic District Case No. 88-450-A

Dear Mr. & Mrs. Kahla:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

H. Robert House Ing Commission of Baltimore County

Enclosures

cc: People's Counsel

File

PETITIONER'S EXHIBIT 2 17 x 13 LIVING - SLEEPING CLOSET STORAGE SHOWER LINEN 4' WALK FOYER BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this day of March , 1989. Petitioner Roland Kahla, et ux Petitioner's Attorney Advisory Committee

KAHLA RESIDENCE ADDITION

SCALE: 4 = 1.0

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO. Zoning Commissioner_

April 13, 1988

P. David Fields FROM Director of Planning and Zoning Zoning Petition Nos. 88-443-A, 88-447-A, 88-449-A, 88-450-A, SUBJECT 88-458-A, 88-459-A, 88-461-A, 88-463-A

There are no comprehensive planning factors requiring comment on this

P. David Fields perfollowell
P. David Fields

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

ZONING OFFICE

CC: Roland Kahla, et me

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 25, 1988

COUNTY OFFICE BLDG. 111 M. Chesepeake Ave. Towson, Maryland 21204

HEMBERS

Department of

Fire Prevention

Health Department

Project Planning

Board of Education

Industrial Development

Mr. Roland Kahla, et ux 928 Southwick Drive Towsen, Maryland 21204

> RE: Item No. 300 - Case No. 88-450-A Petitioner: Roland Kahla, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Kahla:

State Roads Commission The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may Building Department file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Zoning Administration

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Janu 4. Dyelle JAMES E. DYER

Zoning Plans Advisory Committee

Enclosures

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

March 2, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen County Executive

Re: Property Owner: Roland Kahla, et ux

Location: W/S Southwick Dr., 194' S. Southwick Court

Item No.: 300

Zoning Agenda: Meeting of 3/1/88

Gent lemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" ar applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER CALL Approved:

| Noted and Approved: | Fire Prevention Bureau
| Special Inspection Division

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

Dennis F. Rasmussen County Executive

March 31, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items

number 292, 293, 294, 295, 297, 298, 299 and 300,

Very truly yours,

Traffic Engineer Associate II

MSF/pm1-b